

R. GEORGE ECONOMY
CHIEF JUDGE

RICHARD J. GARCIA
JUDGE

GEORGE M. STRANDER
ADMINISTRATOR / REGISTER



VETERANS MEMORIAL COURTHOUSE
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State of Michigan
INGHAM COUNTY PROBATE COURT

October 31, 2005

Hon. Clifford W. Taylor, Chief Justice
Hon. Maura D. Corrigan, Justice
Hon. Marilyn J. Kelly, Justice
Hon. Stephen J. Markman

Hon. Michael F. Cavanagh, Justice
Hon. Elizabeth A. Weaver, Justice
Hon. Robert P. Young, Justice

Michigan Supreme Court
Michigan Hall of Justice
P.O. Box 30052
Lansing, MI 48909

RE: ADM 2005-02

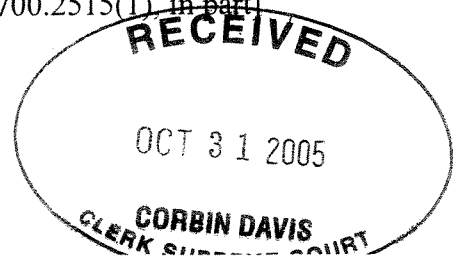
Dear Chief Justice Taylor and Justices,

The Supreme Court has proposed an administrative order regarding the privacy of court records and access to court records. The proposed administrative order appears to require trial courts to limit the collection of social security numbers (SSNs) only to situations where such collection is required by statute, court rule, court order, or collection activity. The proposed administrative order also appears to require trial courts to ask for, and receive, only the last four digits of the SSN when the SSN is collected.

I believe there are at least two situations in the probate court where collection of the full SSN is required. If I am right, then there may be a need to amend the proposed administrative order to allow for such collection.

Wills filed for safekeeping. Under Michigan law, a testator may file his or her will for safekeeping with the probate court in his or her county of residence. The provision regarding the filing of the will reads thus:

A will in writing that is enclosed in a sealed wrapper, on which is endorsed the testator's name, place of residence, and social security number or state of Michigan driver's license number, if any, and the day on which the name of the person by whom it is delivered, may be deposited by the individual making the will, or by a person for him or her, with the court in the county where the testator resides. [MCL 700.2515(1), in part]



This statute identifies what may be filed as a will for safekeeping. The will must be in a sealed wrapper, and the wrapper is to have certain information recorded on it. The statute appears to give the testator the option as to whether his or her SSN or driver's licence number (DLN) is to be recorded on the wrapper. If the testator chooses to record his or her SSN, or if the testator has no valid DLN and so must record his or her SSN, there is nothing in the law which indicates that only a segment of the SSN is sufficient. Indeed, I believe the reasonable interpretation of the statute would require the SSN (i.e., the full 9 digit number) to be recorded in such situations.

Delayed registration of birth. Under certain circumstances, an individual may seek an order from the probate court for the authority to file a delayed registration of in-state birth or a delayed registration of foreign birth with the Department of Community Health (DCH). [MCL 333.2828; MCL 333.2830] The operative law in both scenarios requires the use of DCH forms:

If, on the basis of the evidence presented, the court finds that the individual for whom a delayed registration of birth is sought was born in this state, the court shall make findings as to the place and date of birth, parentage, and other findings required by the case and shall issue an order on a form prescribed and furnished by the state registrar to establish a certificate of birth. [MCL 333.2828, in part]

If a child whose birth occurred outside the United States, a territory of the United States, or Canada is adopted by a resident of this state under the laws of this state or under the laws of a foreign country, the probate court, on motion of the adopting parent, may file a delayed registration of birth on a form provided by the department. [MCL 333.2830, in part]

The forms provided by DCH (DCH-1031 and DCH-0855) both require that the SSN of the mother and father of the person whose birth is to be registered be provided. On both forms the SSN fields are included in the section identified as "information required" to prepare the birth record. It would appear that the forms, and the DCH, require the full SSN to be on the documents that are processed by the probate court.

Sincerely,



George M. Strander
Court Administrator & Probate Register

cc: Hon. R. George Economy
Hon. Richard J. Garcia